

## REMARKS

This application has been reviewed in light of the Office Action dated December 30, 2005. Claims 3, 5-10, 13, 23, 24, 29 and 34-37 are presented for examination, of which Claims 23, 29 and 34-37 are in independent form. Claims 3, 5-10, 13, 23, 24, 29 and 34 have been amended to define still more clearly what Applicant regards as his invention. Claims 1, 2, 4, 11, 12, 14-22, 25-28 and 30-33 have been canceled without prejudice or disclaimer of subject matter. Claims 35-38 have been added.

In the outstanding Office Action, Claims 19-22, 28 and 33 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,499,366 (Rosenberg et al.). Claims 1-13, 25, 26, 30 and 31 were rejected under 35 U.S.C. § 103(a) as being obvious from *Rosenberg* in view of U.S. Patent 6,324,545 (Morag). Claims 23, 29 and 34 were rejected under Section 103(a) as being obvious from *Rosenberg* in view of U.S. Patent 5,787,254 (Maddalozzo, Jr., et al.), and Claim 24, as being obvious from *Rosenberg* in view of *Maddalozzo* and *Morag*. Claims 1-10, 12, 13, 25, 26, 30 and 31 were rejected under Section 103(a) as being obvious from *Rosenberg* in view of U.S. Patent 5,493,677 (Balogh et al.), and Claim 11, as being obvious from *Rosenberg* in view of *Balogh* and *Morag*.

Initially, cancellation of Claim 1, 2, 4, 11, 12, 14-22, 25-28 and 30-33 renders the rejections of those claims moot.

Before discussing the current claim language, Applicants wish to make the following observations on the reading of the prior art on which the outstanding rejections are based. At pages 23-26, the Office Action provides a response to Applicants' earlier arguments. However, the Applicants still disagree with the Office Action's interpretation of *Rosenberg*. At

page 24, the Office Action states that "the user selects one of font names and activate apply button to apply the selected font *into the presentation document* (Rosenberg, col. 11, lines 39-57) [emphasis added]." Applicants have carefully reviewed the cited passage of *Rosenberg*, but can find no reference to applying the selected font into the presentation document. Rather, the passage cited in the Office Action states that the user "may select a suggested font solution by activating the 'Apply' button in region 406" (col. 11, lines 55 and 56). In Applicants' understanding, the expert system of *Rosenberg* is simply to provide assistance to a user in making general graphic design decisions. There is no teaching or suggestion in *Rosenberg* of the expert system analyzing metadata associated with a document and, based on such analysis, selecting a font.

Furthermore, at page 24, the Office Action states that "in Rosenberg's teaching, the system receives the text of the presentation document as well as the desired semantic scales (401A-401C) and rejection constrains (Headline, Body, or Footnote) for the text of the presentation document [emphases omitted]". In Applicants' understanding of *Rosenberg*, the quoted statement appears to be merely speculation about what could be done in the *Rosenberg* system: the Examiner does not identify any passage of *Rosenberg* as actually *teaching* receiving the desired semantic scales (401A-401C) for the text of the presentation document. Applicants note that the *Rosenberg* expert system uses the desired semantic scales to make a selection for a master page layout. Subsequently, the master page layout may be applied to a presentation document. Applicants submit, however, that this is an entirely a different problem from that taught addressed by the present invention.

Further, at page 24 of the Office Action it is stated that the “desired semantic scales and rejection constrains for the text of the presentation document is the information that relates/connects with the text of the presentation document so that when activate the apply button the selected font with desired semantic scales and rejection constrains is applied to the text in the presentation document, not the text of the other presentation document(s) [emphasis omitted]”. In Applicants' understanding this, also, is entirely speculative. There is nothing in *Rosenberg* that indicates that the desired semantic scales and rejection constraints are used by the expert system to apply design choices to one presentation document and not another presentation document. The Office Action does not cite any specific passages of *Rosenberg* as describing any alleged link between the semantic scales and rejection constraints and the selection of one presentation document over another presentation document.

As to each of the foregoing points, therefore, Applicants strongly believe that the application of *Rosenberg* to the claims is based on a misapprehension of what that patent actually discloses. Thus, Applicants do not at all concede that the outstanding rejections are proper. Applicants have nonetheless presented new claims in an effort to avoid this as an issue, and submit that the independent claims now presented are clearly allowable over *Rosenberg* and the other prior art.

Independent Claim 23 is directed to a method of selecting a font from a collection of fonts for use in one or more hyperlinks in a hypertext document, where the one or more texts are in an initial font. The method of Claim 23 comprises down-loading the hypertext document, locating the one or more hyperlinks in the down-loaded hypertext document, and analyzing the one or more hyperlinks or the hypertext document for information associated with the one or

more hyperlinks. The method also comprises selecting one font from the collection of fonts, based on the associated information of the one or more hyperlink and information associated with the selected font, and replacing the initial font of the one or more hyperlinks with the selected font.

Thus, among other notable features of the method of Claim 23, are that the hypertext document is down-loaded and the one or more hyperlinks in it are located, after which analysis of the document or the hyperlink(s) reveals information associated with the one or more hyperlinks. A font is selected, based on the associated information of the hyperlink(s) and information associated with the selected font, and the initial font of the hyperlink(s) is replaced with the selected font.

In Applicants' understanding, *Rosenberg* is entirely silent on down-loading a hypertext document and locating one or more hyperlinks in such down-loaded hypertext document. Further, nothing has been found, or pointed out, in *Rosenberg* of analyzing one or more hyperlinks in a hypertext document, or such document itself, for information associated with the one or more hyperlinks. The Examiner concedes that *Rosenberg* “does not explicitly disclose the texts are hyperlink texts.” (Office Action at page 14.) In this regard, however, the Examiner points out that *Rosenberg* “teaches fonts are automatically selected based on characteristics associated with several kinds of text, such as headline, body, and footnote text.” (*Ibid.*) Applicants understand that the Examiner considers the search for candidate fonts for use in a particular portion (headline, body or footnote) of a text, taking into account the user’s setting of slide controls (see Fig. 4) on each of three axes, to be automatic selection of one or more fonts based on “associated information” received with the text (pages 13 and 14 of the Office Action).

Assuming *arguendo* that the cited operation of the *Rosenberg* system would constitute analyzing information associated with the text and selecting a font based on the results, it is noted that (1) what is analyzed is *not* the text itself, or one or more hyperlinks in the text, as recited in Claim 23, and that (2) any information obtained in *Rosenberg* through analysis, is *not* information about hyperlinks in the text, as there are none. The feature of the method of Claim 23 (which is among those not taught or suggested by *Rosenberg*) to which points (1) and (2) relate, is an important one, and this deficiency of *Rosenberg* as a reference against Claim 23 cannot be remedied by anything found or pointed out in the other art of record, as explained below, .

Moreover, at page 14, the Office Action cites col. 7, lines 45-67, and col. 11, lines 39-57, of *Rosenberg* as teaching a step of replacing an initial font with a selected font. Applicant has once again reviewed the cited passages but can find no suggestion of replacing an initial font with a selected font.

Indeed, in Applicants' understanding, the cited passages do not even relate to a presentation document, but to an expert system that provides a general solution to a graphic design requirement in which master page layouts and fonts may be specified by the user. Selecting a font from a library of fonts is a different process from replacing an initial font in a document with a selected font, much less where the latter font is selected based on information about one or more hyperlinks obtained by analysis of the hyperlink(s) or of the hypertext document in which they occur (or both).

For all these reasons, and by no means only because *Rosenberg* does not specify that it is dealing with hypertext documents, Claim 23 is believed to be allowable over *Rosenberg* taken alone.

*Maddalozzo* relates to a system for a Web browser having as an object the provision of an improved information retrieval method. A client has an interface for displaying the first hypertext document with one or more hypertext links to a second hypertext document located at a server. The method of *Maddalozzo* tags latency and time period metrics with a URL address link. The latency and time period metrics are provided to a user, provided the user with an estimation of the length of time to access a server. With such information available, the user can make a decision whether to continue invoking a particular link or to terminate the linking process. The latency time display can be implemented by highlighting, coloring or changing the font of the link text.

*Maddalozzo* is not seen to remedy the deficiencies of *Rosenberg* as prior art against Claim 23. Frankly, even assuming *Maddalozzo* shows all that it is cited for, that cannot in Applicants' view possibly provide a teaching of all the claim recitations of Claim 23 that are missing from *Rosenberg*. In particular, the feature of the method of Claim 23 relating to points (1) and (2) above, represents such a deficiency not only in *Rosenberg* as prior art against Claim 23, but in *Maddalozzo* as well.

*Maddalozzo*, to begin with, does not appear to teach that the system of that patent in any way analyzes a hypertext document, or one or more hyperlinks therein, to obtain information about those one or more hyperlinks, as recited in Claim 23. Applicants note that examples of the information to be obtained by such analysis are the type of hyperlink (eg, http, shttp, pft, etc.), or based on the content of the hyperlink (eg, cars, or cheeses), or the address of the hyperlink (eg, the URL), or the content per se of the hypertext page (these examples are set

out at pages 12-14 of the present application).<sup>1</sup> Even if these two patents are combined in the proposed fashion, therefore, the result would not teach or suggest the analyzing step of Claim 23.

Moreover, even if the *Maddalozzo* system's determination of the latency of a particular link is deemed to be such analysis as is recited in Claim 23, the resulting information about latency or some other performance metric does not appear to teach or suggest information about the hyperlink itself (eg link type, link content, link address, etc.), but only information about the speed or traffic-capacity of the machine hosting the linked site.

Accordingly, it appears that even if it is assumed that the proposed combination of *Rtosenberg* and *Maddalozzo* would be a permissible one, the result would nonetheless not meet the terms of Claim 23. At the very least, it appears the analyzing step is not provided even by the proposed combination of patents. Therefore, it is submitted that Claim 23 is allowable over *Rtosenberg* and *Maddalozzo*, taken separately or in any permissible combination (if any).

Newly added independent Claim 35 is directed to a method of selecting a font from a collection of fonts for use in one or more captions associated with a plurality of images, the images having associated meta-data. The method of Claim 35 comprises analyzing the meta-data associated with the plurality of images to find commonalities in key features in the meta-data, and determining from that analysis a most common feature among the commonalities in key features in the meta-data associated with the plurality of images. The method also comprises displaying, from a library of fonts comprising a plurality of fonts having a set of one or more associated key features, a number of fonts best matching the determined most common key

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<sup>1/</sup> It is to be understood of course that the claim scope is not limited by the details of these or any other particular embodiment(s) that may be referred to.

feature, selecting a desired font from the displayed fonts, and setting a font of the one or more captions to the desired font.

It is submitted that the method of Claim 35 is patentable over *Rosenberg* and *Maddalozzo* for substantially the same reasons as set out above in connection with Claim 23.

Each of the other independent claims is, respectively, an apparatus or a program product claim corresponding to method Claim 23 or 35, and each is believed to be patentable for at least the same reasons as discussed above in connection with the latter claims.

A review of the other art of record, including *Balogh* and *Morag*, has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.



Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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